

ORDINANCE NO. 2005 -054

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE LANGUAGE TO MAINTAIN CONSISTENCY WITH THE TECHNICAL ASPECTS OF THE DIGITAL FLUA); THE **FUTURE LAND USE ATLAS** (TO REMOVE OVERLAYS, SERVICE AREAS, AND NOTES); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 30, 2005 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance;

4 WHEREAS, on November 28, 2005 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Elements of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

- 18 A. Future Land Use Element, to revise language to maintain
19 consistency with the technical aspects of the Digital FLUA;
20 B. Future Land Use Atlas, to remove overlays, service areas,
21 and notes; and
22 C. Amending all elements as necessary for internal
23 consistency.

24 Part II. Repeal of Laws in Conflict

25 All local laws and ordinances applying to the unincorporated area
26 of Palm Beach County in conflict with any provision of this ordinance
27 are hereby repealed to the extent of such conflict.

28 Part III. Severability

29 If any section, paragraph, sentence, clause, phrase, or word of
30 this Ordinance is for any reason held by the Court to be
31 unconstitutional, inoperative or void, such holding shall not affect
32 the remainder of this Ordinance.

33 Part IV. Inclusion in the 1989 Comprehensive Plan

34 The provision of this Ordinance shall become and be made a part
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28 day of November, 2005.

ATTEST:

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Deputy Clerk

By: [Signature]
Tony Nasilotti, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

Filed with the Department of State on the 6th day of
December, 2005.

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EXHIBIT 1

A. Future Land Use Element, Future Land Use Element and Atlas Revisions

REVISIONS: To revise and update language within the element to remove overlays and service areas from the FLUA. The revisions are shown with the added text underlined and the deleted text ~~struck-out~~.

1. **REVISED Policy 1.2.4-a:** The Westgate Community Redevelopment Area Overlay ~~shall~~ be is depicted on the ~~FLUA Special Planning Areas Map in the Map Series~~. The area is bounded on the south by Belvedere Road, on the north by Okeechobee Boulevard, on the east by Florida Mango Road and on the west by Military Trail.
2. **REVISED Policy 1.2.5-a:** The PBIA Overlay ~~shall be~~ is depicted on the ~~Future Land Use Atlas Special Planning Areas Map in the Map Series~~ and delineated as the area bounded on the north by Belvedere Road, on the south by Southern Boulevard, on the west by the Florida Turnpike, and on the east by the Palm Beach International Airport, excluding any lands lying within a municipality.
3. **REVISED Policy 1.2.6-a:** The Indiantown Road Overlay Zone ~~shall be~~ is depicted on the ~~Future Land Use Atlas Special Planning Areas Map in the Map Series~~, and ~~applies to~~ properties east of I-95, along Indiantown Road, the unincorporated areas of which include properties generally on the southern side of Indiantown Road, east of Limestone Creek Road and west of 61st Terrace North.
4. **REVISED Policy 1.5.1-g:** The County Planning Division shall ~~designate the administratively identify the~~ preserve areas of all AgR-PDDs ~~if the preserve area is not contiguous to the developed area on the Future Land Use Atlas as an Agricultural Reserve Preserve after approval of the AgR-PDD if the preserve area is not contiguous to the buildable area~~. The County has the authority to administratively designate the areas purchased by the County with bond funds for Ag Preserve purposes as an Agricultural Reserve Preserve once the Planning Division has been notified by the Department of Environmental Resources Management (ERM) to place a preserve note on a property*. If development rights are retained on the preserve area, for purposes of providing farm worker quarters consistent with Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters consistent with Future Land Use Policy 1.5.1-k, the number of farm worker quarters or grooms quarters which may be located on the preserve area shall also be ~~noted~~ administratively identified on the Future Land Use Atlas.
5. **REVISED Policy 1.6.2-a:** The Sugar Cane Growers Cooperative Overlay ~~shall be~~ is depicted on the ~~Future Land Use Atlas Special Planning Areas Map in the Map Series~~, and is generally described as the area east of State Road 15, east and north of Belle Glade's city limits south of State Road 80, and west of the adopted Urban Service Area for the Glades.
6. **REVISED Policy 1.6.3-a:** The Lake Okeechobee Scenic Trail Overlay (LOST-O) ~~includes~~ consists of the area shown ~~on the Future Land Use Atlas outside the Urban/Suburban Tier on the Managed Growth Tier System Map in the Map Series~~, located between the Herbert Hoover Dike and 250 feet South of U.S. 27, ~~or and~~ between the Herbert Hoover Dike and 250 feet East of Conners Highway as depicted on the Special Planning Areas Map in the Map Series.
7. **REVISED Policy 2.1-g:** The future land use designation for individual parcels shall be shown on ~~the~~ Official Future Land Use Atlas (FLUA) maintained by the Planning, Zoning and Building Department. The Atlas shall depict the ~~following information as referenced in the Comprehensive Plan: the future land use designations for all parcels in unincorporated Palm Beach County, including underlying/alternative land uses, and the boundaries and ordinance numbers of all adopted FLUA amendments; the Tier boundaries; Service Areas; and special overlays.~~
8. **REVISED Policy 2.1-k:** Palm Beach County shall utilize ~~apply~~ a series of overlays ~~to the Future Land Use Atlas~~ to implement more focused policies that address specific issues within unique identified areas as depicted on Table 2.1- 3. These overlays shall be depicted on the Special Planning Areas Map in the Map Series. (*Unaltered table omitted for brevity*)

9. **REVISED Policy 2.7-a:** The United Technologies Corporation (Pratt-Whitney) Protection Area Overlay, generally described as the area east and north of the Beeline Highway and the Pratt-Whitney facility, encompassing all or portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 41 Range 40; Sections 5, 6, 7, 8, 9, 17, 18, Township 41 Range 41; and, Section 13, Township 41 Range 39, ~~shall be~~ is depicted on the ~~Future Land Use Atlas~~ Special Planning Areas Map in the Map Series.
10. **REVISED Policy 2.8-a:** The Scientific Community Overlay, generally described as the area east of the J.W. Corbett Wildlife Management Area and Seminole Pratt Whitney Road, north of the Acreage, south of Unit 11 and west of the City of Palm Beach Gardens, encompassing all of Sections 6 and 7 and the western portions of Sections 5 and 8, Township 42 Range 41, ~~shall be~~ is depicted on the ~~Future Land Use Atlas and the "Special Planning Areas Map" contained in the Comprehensive Plan Map Series~~.
11. **REVISED Policy 2.10-a:** *The Glades Area Protection Overlay, generally described, as the area north of State Road 80 (SR-80), approximately 2.25 miles west of Seminole Pratt Whitney Road directly south of the Deer Run rural subdivision, to approximately 2.0 miles west of the SFWMD L-8 Canal, encompassing the western portions of sections 8 and 17, all of sections 20,28,29 and 32, and the northern portion of section 33, Township 43, Range 40, with an approximate total acreage of 3,063.66 acres, shall be is depicted on the Future Land Use Atlas and Special Planning Areas Map in the Map Series.*

The boundaries of the Glades Area Protection Overlay shall not be modified or expanded to incorporate areas other than the ones described in this policy.

* Italicized text is a proposed new policy through the GAPO 04-4 text amendment, which is currently being challenged. If the County does not adopt the language by the time of the adoption of Round 05-2, this language will be omitted from this staff report/amendment.

12. **REVISED Policy 3.3-a:** *(Unaltered table omitted for brevity)...* The LUSA shall be depicted on the Service Areas Map ~~and the Future Land Use Atlas~~ in the Map Series upon designation through a Plan amendment... *(Unaltered text omitted for brevity)*
13. **REVISED Policy 5.5-a:** The TAPO District boundary ~~shall be~~ is shown on the ~~Future Land Use Atlas~~ Special Planning Areas Map on the Map Series and described as... *(Unaltered text omitted for brevity)*
14. **REVISED E. Overlays**
The Overlays are depicted on the ~~Overlays and Special Planning Areas Map~~ Special Planning Areas Map contained in the Comprehensive Plan Map Series. ~~The Future Land Use Atlas (FLUA) depicts some of the Special Overlays...~~ *(Unaltered text omitted for brevity)*
15. **REVISED Sugar Cane Growers Cooperative of Florida Protection Overlay**
(Unaltered text omitted for brevity)... The Sugar Cane Growers Cooperative of Florida Protection Area Overlay is generally described as the area east of State Road 15, east and north of Belle Glade's city limits south of State Road 80, and west of the adopted Urban Service Area for the Glades. The overlay includes all of Sections 21, and 28, the eastern half of sections 20 and 29, Township 43 Range 37, excluding completely the western half of Section 29, which has been selected by the City of Belle Glade to build a Business Park and as a potential future annexation area. The specific boundaries of the Sugar Cane Growers Cooperative of Florida Protection Area Overlay are depicted on the Future Land Use Atlas pages 130 and 134 Special Planning Areas Map in the Map Series.... *(Unaltered text omitted for brevity)*

B. Future Land Use Atlas, Future Land Use Element and Atlas Revisions

REVISIONS: To remove notes from the FLUA. The revisions are shown below. These notes shall be maintained administratively by the Palm Beach County Planning Division.

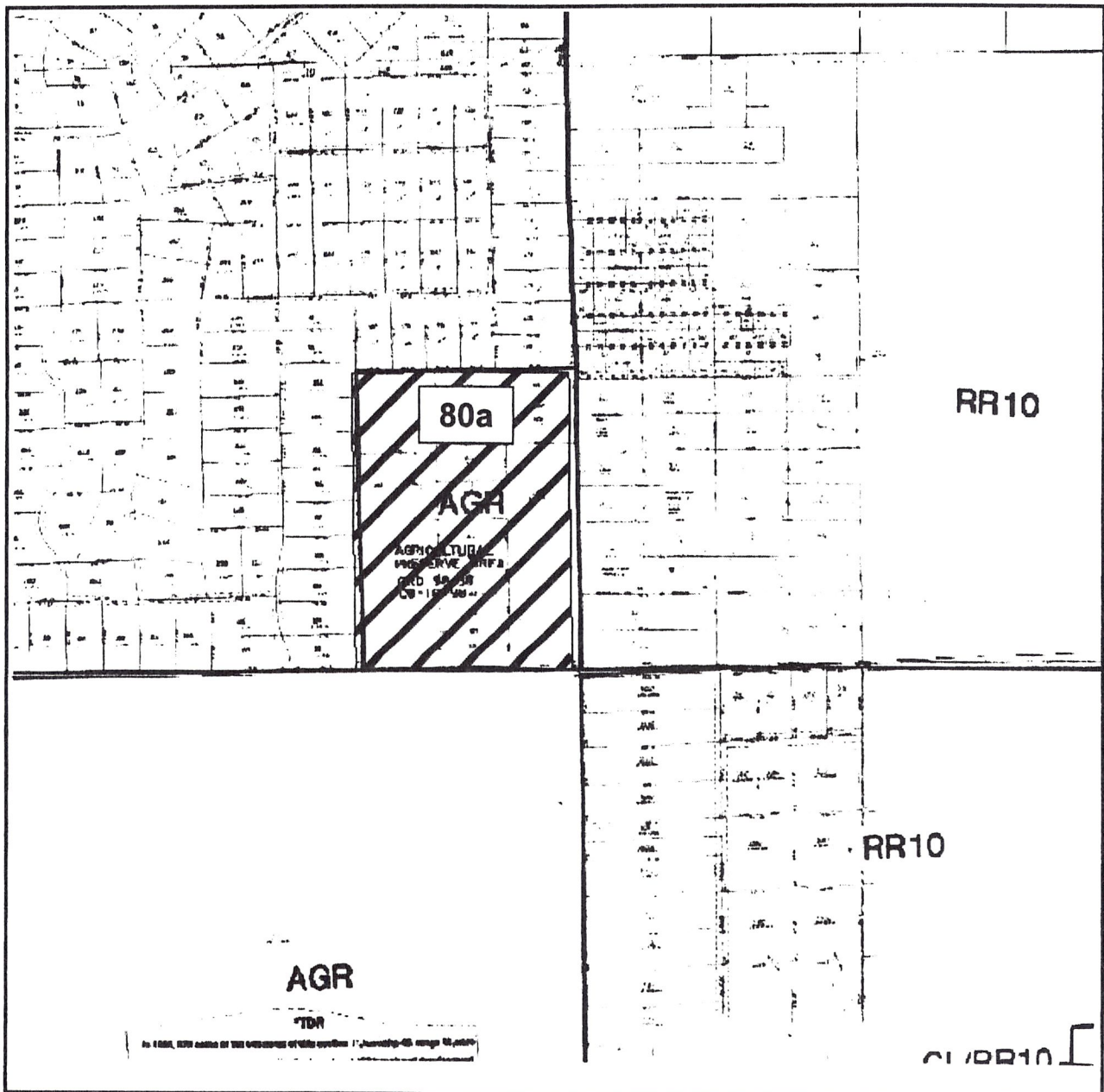
Amendment No: 80a

FLUA Page No: 80

Amendment: Removal of AGR Preserve Note

Location: Approx. 1 mile west of the intersection of SR7/441 and Lantana Road.

Size: 124.7 acres



Amendment No:
84a, 84b & 84c

FLUA Page No:
84

Amendment:
Removal of AGR Preserve Notes

Location:

84a: West side of State Road 7/US 441, approximately 1.5 miles north of Boynton Beach Boulevard

84b: Redbird Lane, east of the L-40 levee, west of State Road 7, and north of Boynton Beach Blvd

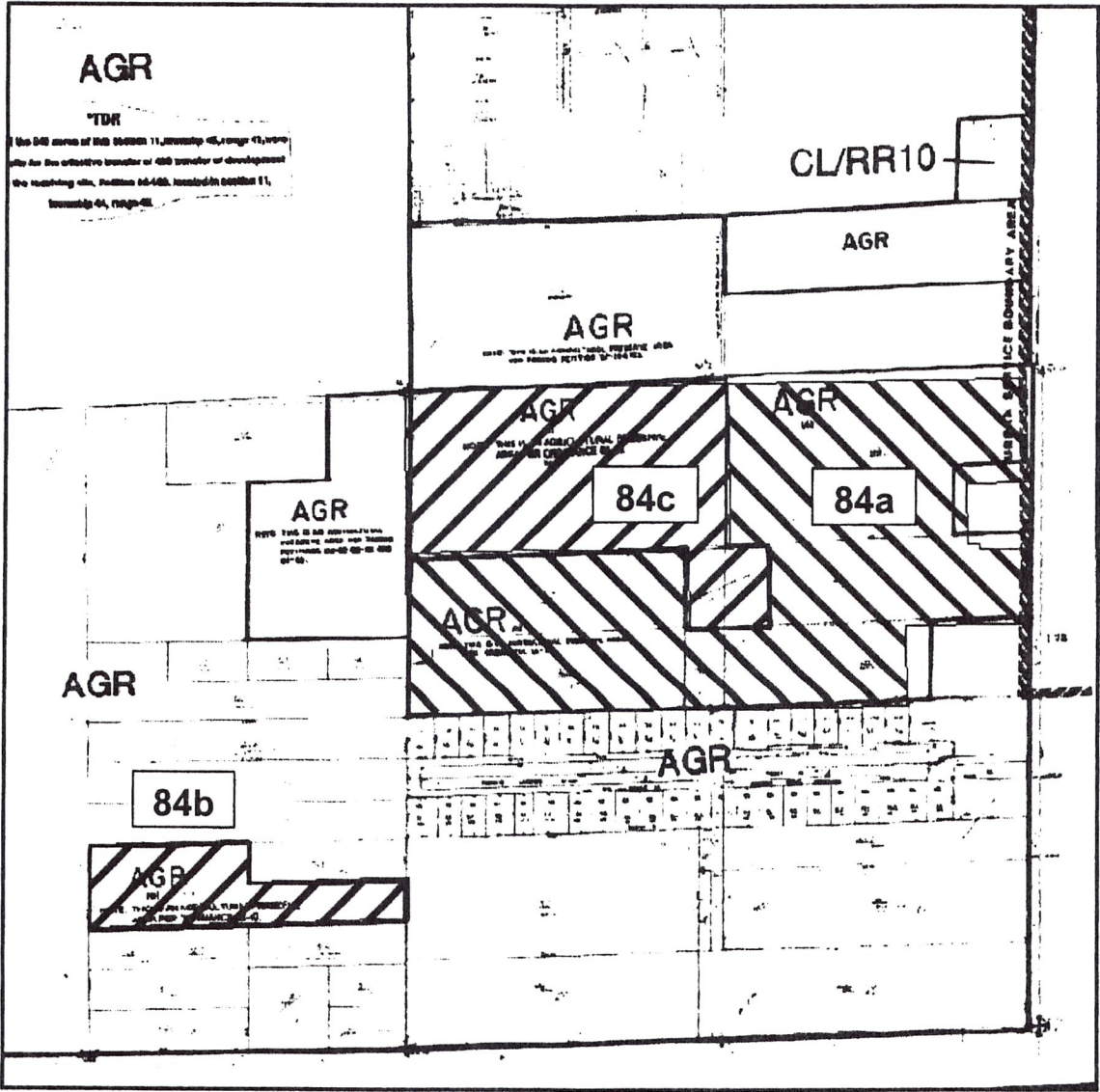
84c: Osprey Pond Lane, east of the L-40 levee, west of State Road 7, and north of Boynton Beach Blvd.

Size:

84a: 196.17

84b: 30 acres

84c: 90 acres



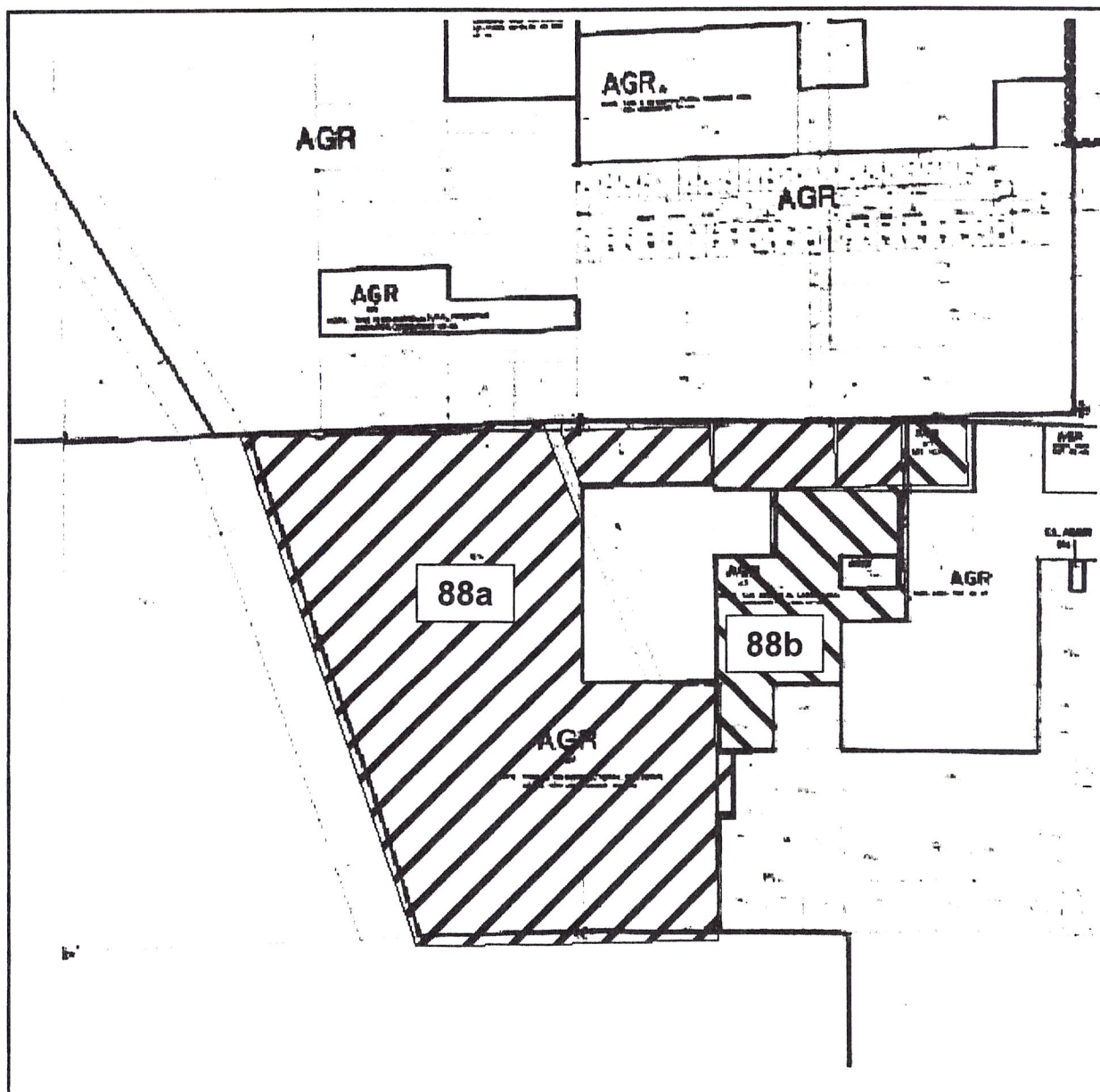
Amendment No: 88a & 88b

FLUA Page No: 88

Amendment: Removal of AGR Preserve Note

Location: 88a: 0.75 Northwest of the intersection of SR 7 and SR 804
88b: West side of State Road 7/US 441, approximately 0.5 miles north of
Boynton Beach Boulevard

Size: 88a: 428.75 acres
88b: 82.42



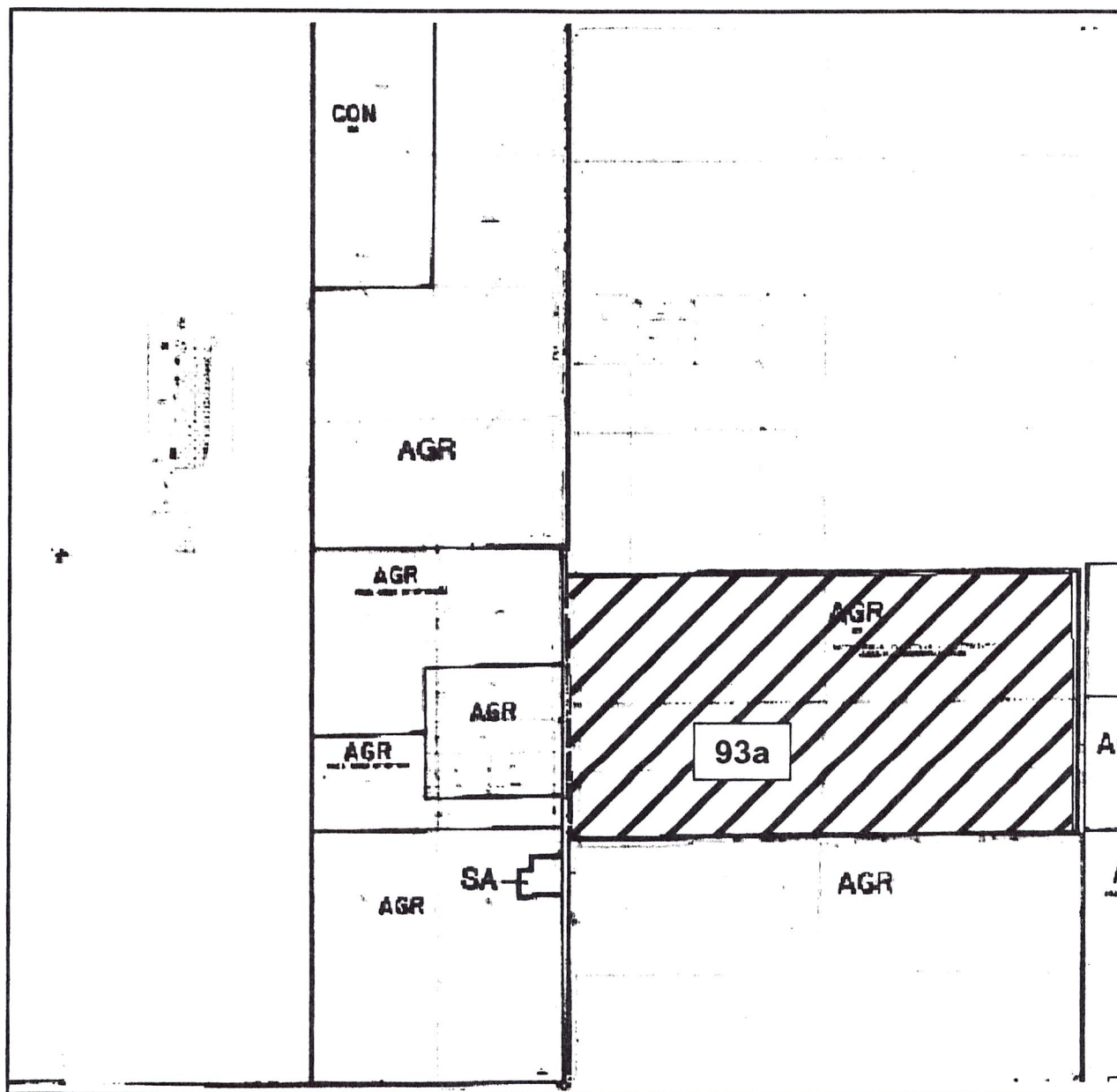
Amendment No: 93a

FLUA Page No: 93

Amendment: Removal of AGR Preserve Note

Location: Along and east of State Road 7, west of the Florida Turnpike, north of Atlantic Avenue, and south of Boynton Beach Blvd.

Size: 310.59 acres



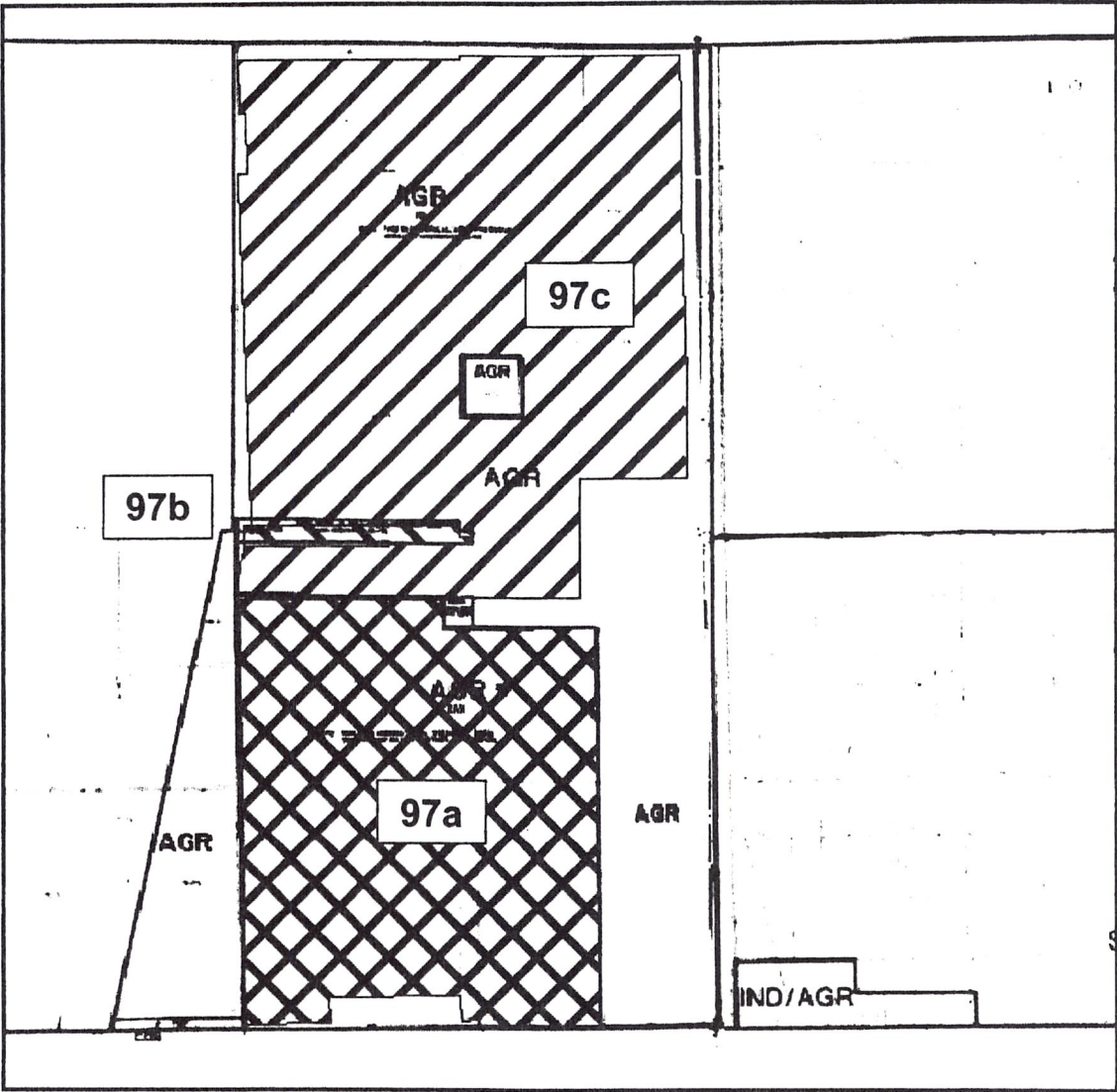
Amendment No: 97a, 97b & 97c

FLUA Page No: 97

Amendment: Removal of AGR Preserve Note

Location: 97a: On the north side of West Atlantic Avenue, approximately 0.25 miles west of State Road 7/US 441
97b: 1.0 miles Northwest of the intersection of State Road 7 and State Road 804
97c: Along and west of State Road 7, east of Loxahatchee Refuge, north of Atlantic Avenue, and south of Boynton Beach Blvd.

Size: 97a: 410.7 acres
97b: 11.82 acres
97c: 623.97 acres

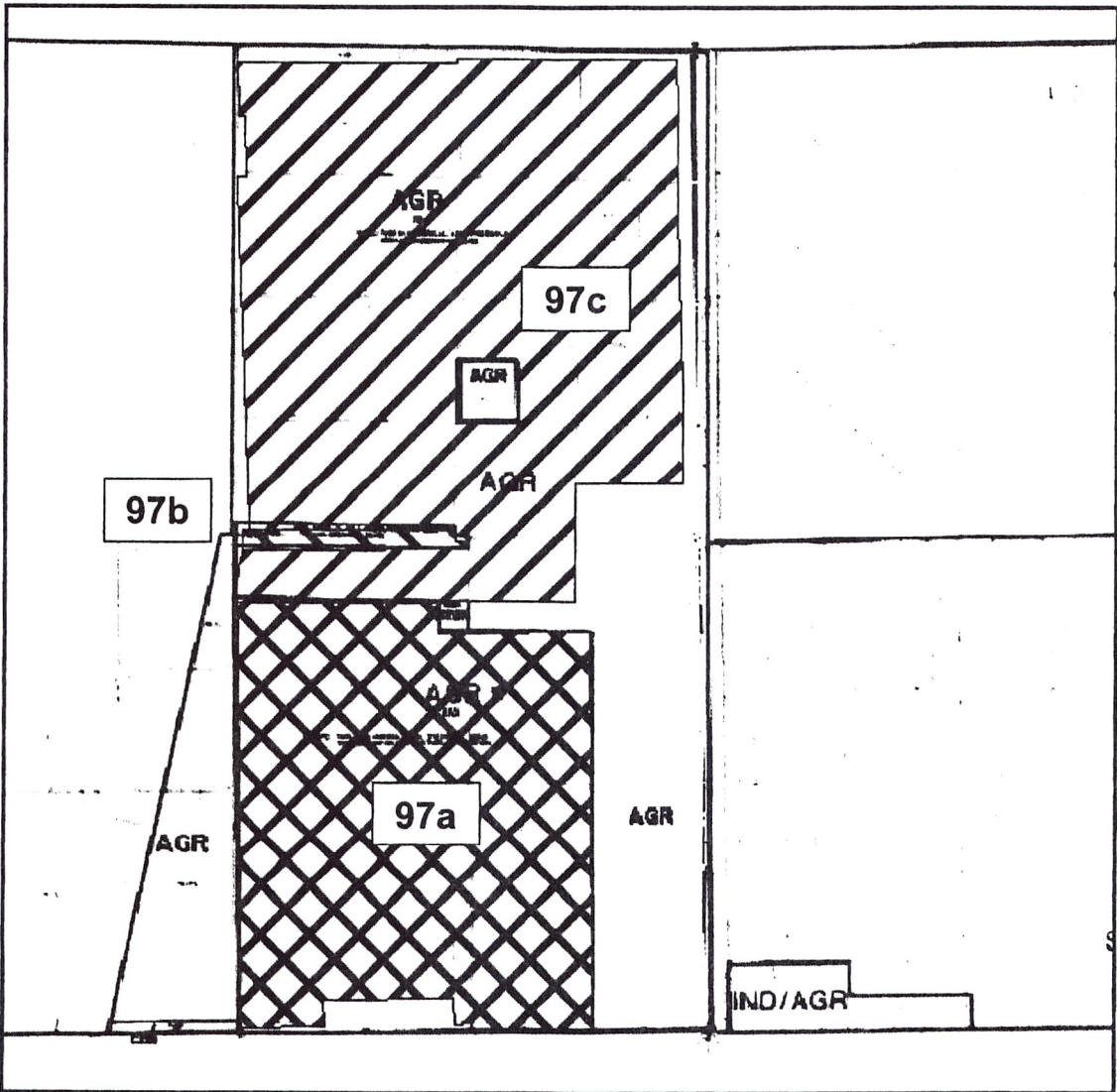


Amendment No: 97a, 97b & 97c FLUA Page No: 97

Amendment: Removal of AGR Preserve Note

Location: 97a: On the north side of West Atlantic Avenue, approximately 0.25 miles west of State Road 7/US 441
97b: 1.0 miles Northwest of the intersection of State Road 7 and State Road 804
97c: Along and west of State Road 7, east of Loxahatchee Refuge, north of Atlantic Avenue, and south of Boynton Beach Blvd.

Size: 97a: 410.7 acres
97b: 11.82 acres
97c: 623.97 acres



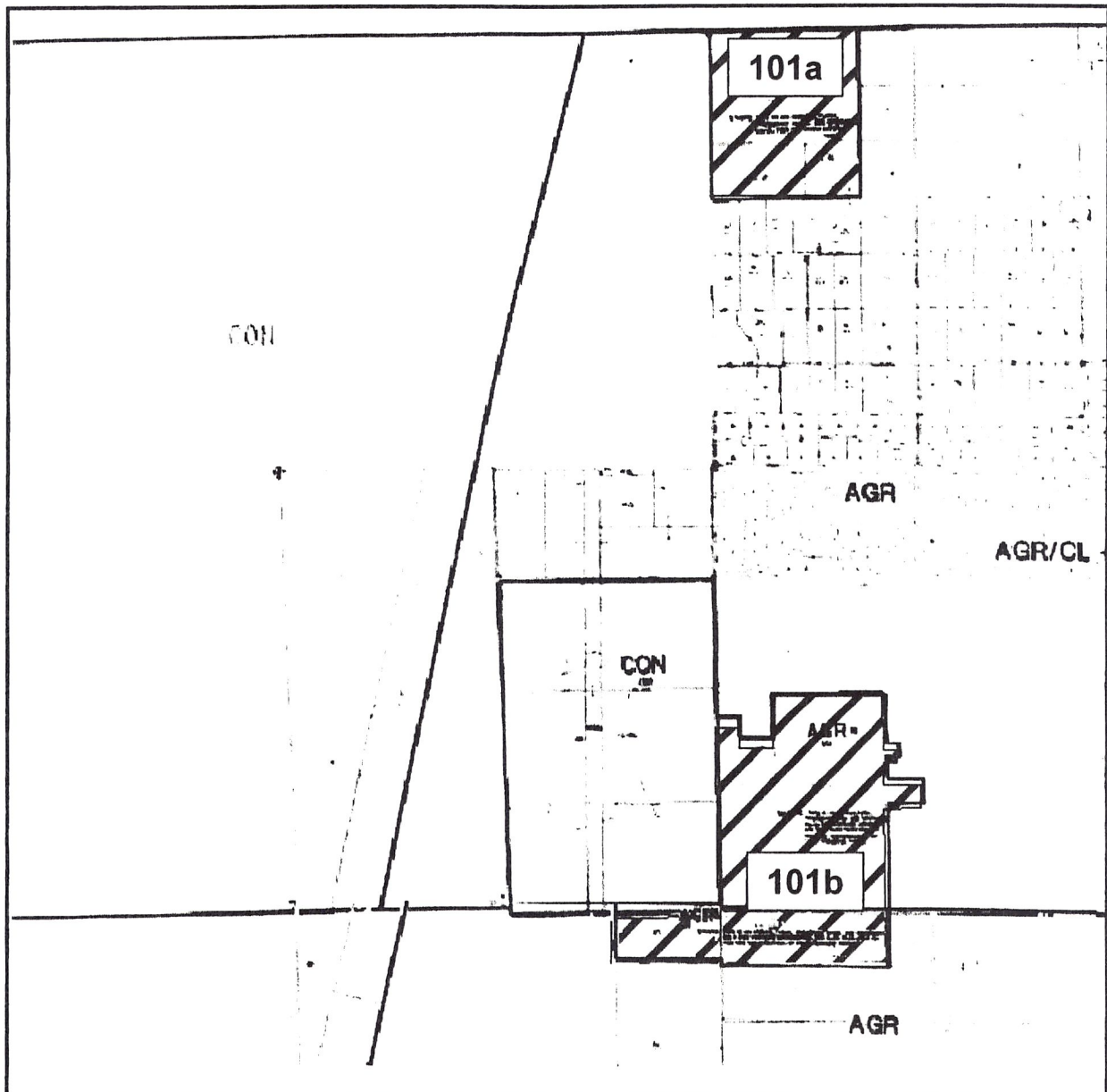
Amendment No: 101a & 101b

FLUA Page No: 101

Amendment: Removal of AGR Preserve Note

Location: 101a: On the south side of West Atlantic Avenue, approximately 0.5 miles west of State Road 7.
101b: On the north side of the L-38 Canal, between West Atlantic Avenue and Clint More Road, approximately 1.0 mile west of State Road 7

Size: 101a: 78.09 acres
101b: 168.27 acres



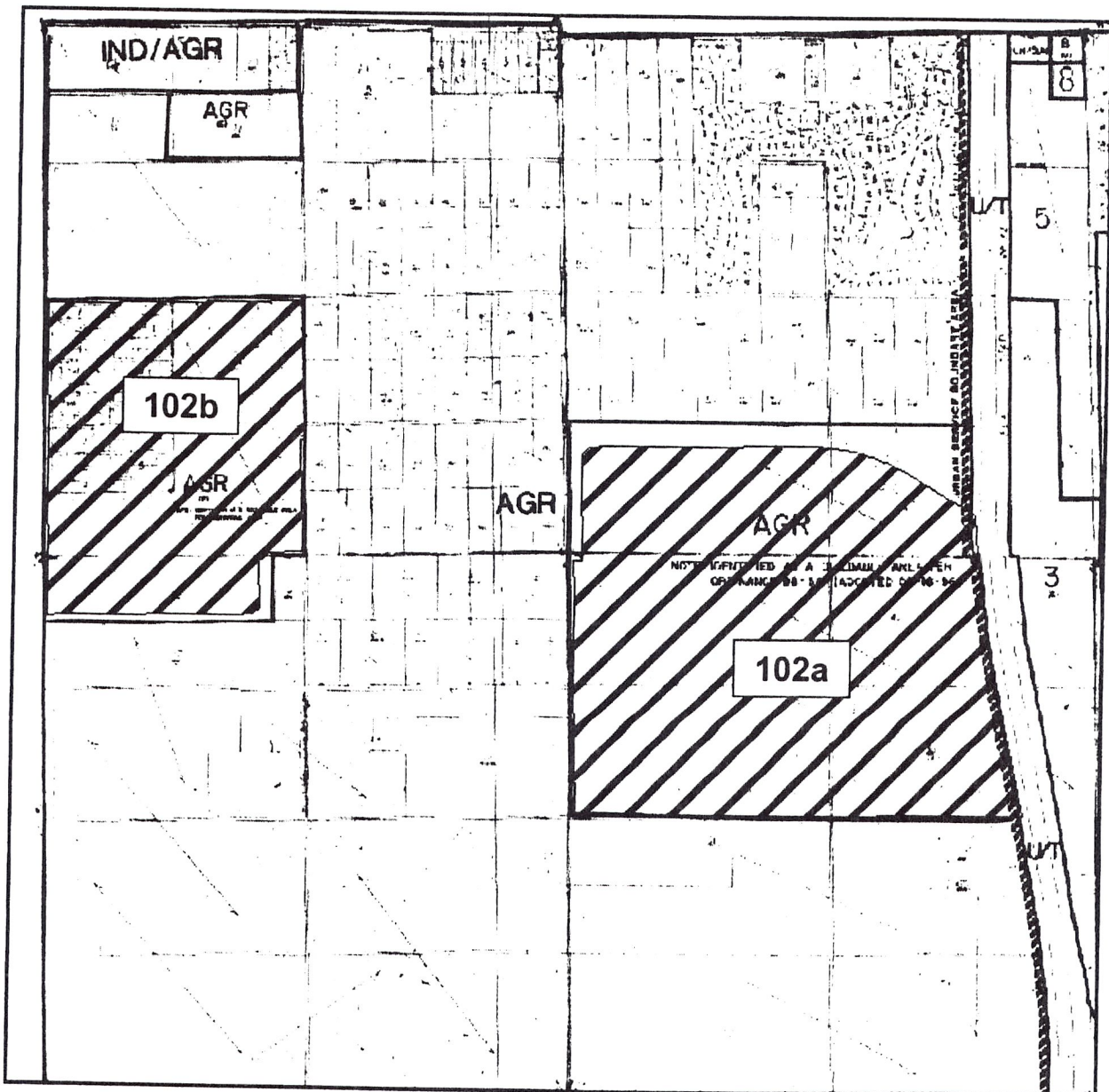
Amendment No: 102a & 102b

FLUA Page No: 102

Amendment: Removal of AGR Buildable Area Note

Location: 102a: On the east side of Lyons Road, approximately 0.5 of a mile south of West Atlantic Avenue..
102b: West side of State Road 7/US 441, approximately 1.5 miles north of Boynton Beach Blvd.

Size: 102a: 356.7 acres
102b: 172.82 acres



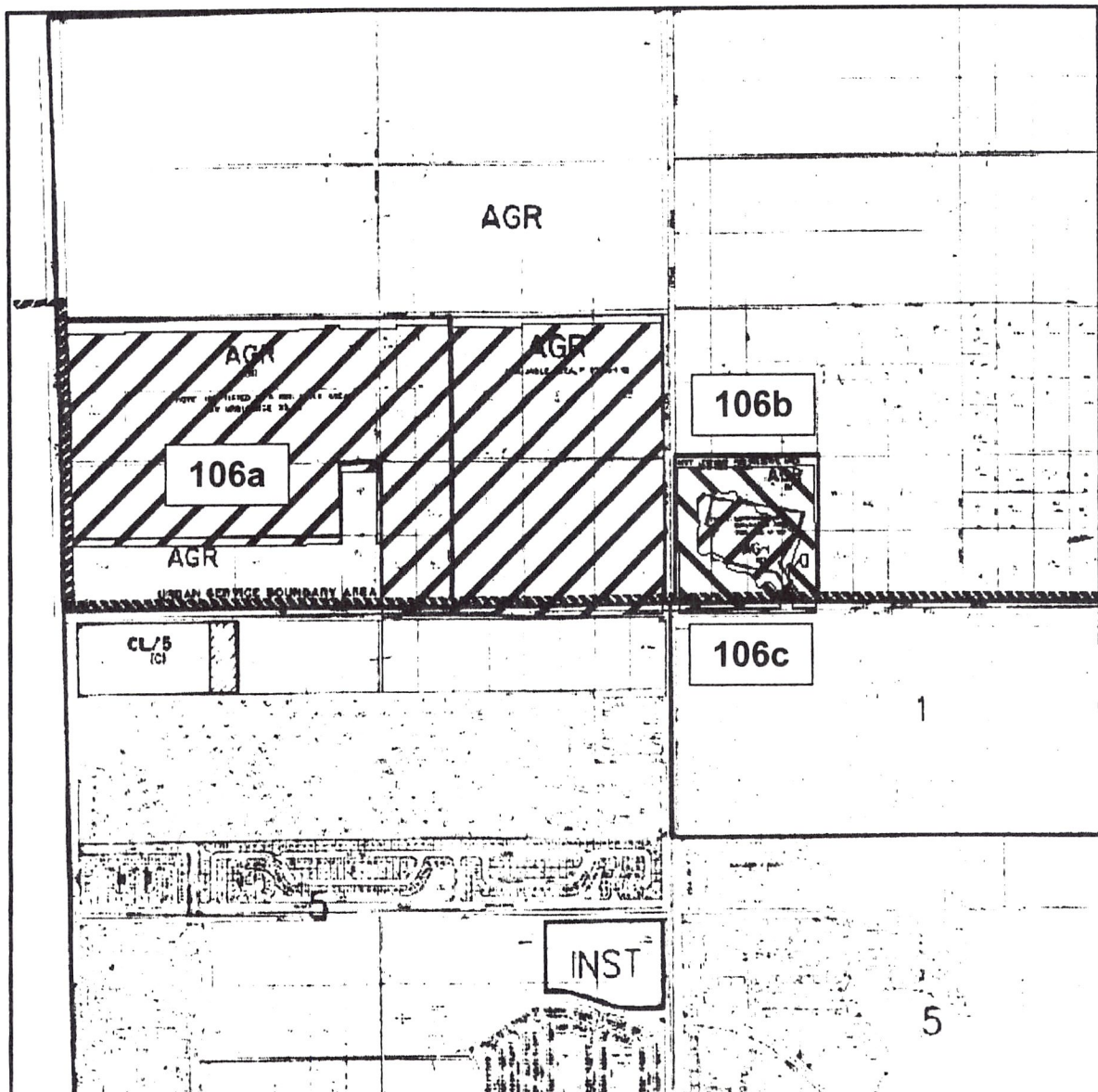
Amendment No: 106a, 106b & 106c

FLUA Page No: 106

Amendment: 106b: Removal of AGR Preserve Note
106a & 106c: Removal of AGR Buildable Area Note

Location: 106a: Northeast corner of Clint More Road and State Road 7.
106b: Northeast corner of Clint More Road and Lyons Road.
106c: Northeast corner of Clint More Road and Lyons Road.

Size: 106a: 163.07 acres
106b: 28.51 acres
106c: 9.18 acres

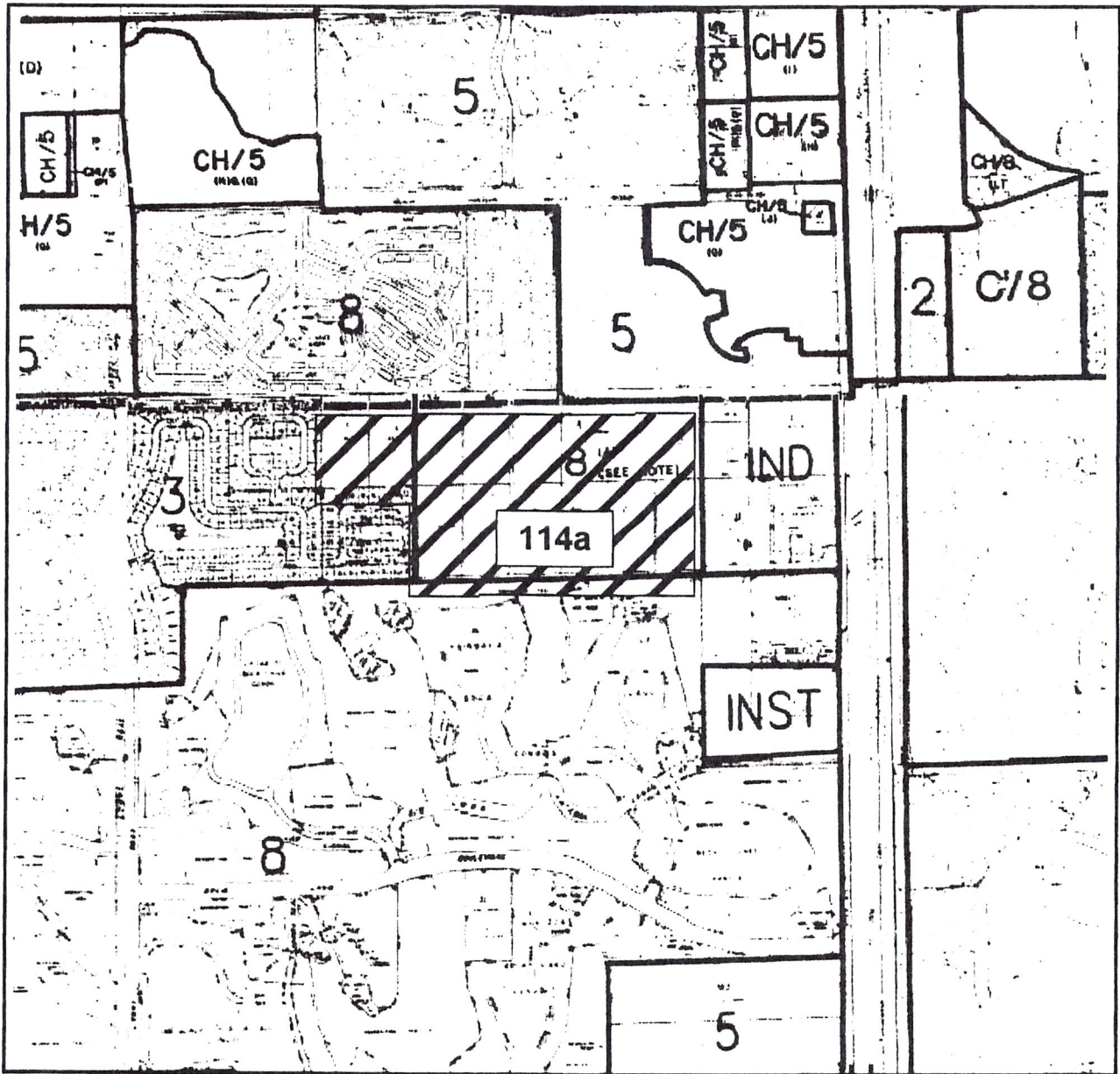


Amendment No: 114a FLUA Page No: 114a

Amendment: Removal of a Condition Note

Location: 1350 feet south of Glades Road and 950 feet west of Boca Rio Road.

Size: 60 acres



CLAY COUNTY, FLORIDA
November 28, 2005
12/22/2005
Diane Block
Register, Clerk